

LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

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July 7, 2011

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 10-0235
LASD File # 010-03304-0272-455

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 24, 2010, non-fatal shooting of Arnie Gabriel Gonzalez, by Los Angeles County Sheriff's Deputy Troy Krautkramer. It is our conclusion that the Deputy Krautkramer acted in lawful self-defense.

The following analysis is based on reports submitted to our office by Detective Phillip Martinez of the Los Angeles County Sheriff's Department (LASD), Homicide Bureau. The District Attorney's Command Center was notified of this shooting on March 24, 2010, at approximately 1:20 a.m. The District Attorney Response Team, comprised of Deputy District Attorney Amy Pellman Pentz and District Attorney Senior Investigator [redacted], responded and was given a briefing and walk-through of the scene by LASD Lieutenant Donald Slauson. No departmentally compelled statements were considered in this analysis

FACTUAL ANALYSIS

On March 24, 2010 at approximately 12:15 a.m., LASD Deputies Troy Krautkramer and Leonard Garcia, both in uniform and in a marked black and white patrol vehicle, responded to an [redacted] on Dobinson Street in Los Angeles. The information broadcast to the deputies indicated that the individual had [redacted]. When they arrived at the residence, [redacted] was outside of the home and identified himself as the person who telephoned 9-1-1.

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[redacted] informed the deputies that the individual who had cut his wrist, later identified as Arnie Gabriel Gonzalez, was inside the residence. Deputy Krautkramer entered the home, followed by Deputy Garcia. As Krautkramer entered, he saw Gonzalez standing in a narrow hallway. Gonzalez wore a dark bandana on one arm that was dripping blood and had blood on his face. Krautkramer, concerned that Gonzalez might have a weapon, ordered him to put his hands up. Gonzalez initially put both hands in the air. Krautkramer ordered Gonzalez to turn around. Krautkramer said that Gonzalez "looked at me as if he wanted to hurt me." Fearful, Krautkramer again ordered Gonzalez to turn around. Gonzalez abruptly dropped his right hand and reached to the rear of his waistband. Krautkramer twice ordered him to put his hand back up. Gonzalez then made a "jerking" motion, as if pulling out a weapon. Krautkramer believed that Gonzalez was reaching to retrieve a weapon and was going to charge the deputies. He fired three shots in response, wounding Gonzalez.[1]

At the time of this incident, [redacted], Gonzalez's [redacted], was standing to Gonzalez's left just adjacent to the hallway. Immediately after shots were fired, [redacted] began yelling "Why did you shoot him?" [redacted] later told investigators that Gonzalez's hands were above his head at the time the deputy fired his weapon.[2]

Paramedics, who had been staged at the location due to the nature of the call, began treatment on Gonzalez as soon as Garcia cleared the location for weapons. They transported Gonzalez to Los Angeles USC Medical Center. Gonzalez sustained two gunshot wounds on the left front side of his body. Gonzalez survived his injuries.

The residence was searched that morning by LASD investigators. An empty vodka bottle was found on the front lawn of the home, and a partially empty bottle of vodka was located in Gonzalez's room. An Exacto knife with blood on it was found on Gonzalez's bed, as were a pair of scissors. Gonzalez's room was painted blood red, and decorated with skulls, ghosts, goblins, Frankenstein heads, spider webs, a ring of garlic cloves, and a picture of the Pope. Three 9mm expended shell casings were recovered in the home, as well as three expended bullets.

Further investigation revealed that Gonzalez called his [redacted], [redacted], that night and told her that he cut his wrist. Concerned, [redacted] called Gonzalez's cousin, [redacted], who was living with both Gonzalez and his [redacted] at the time. [redacted] asked [redacted] to call 9-1-1, which he did. [redacted], [redacted], and [redacted] all told investigators that Gonzalez was drunk that night.

On March 25, 2010, investigators attempted to interview Gonzalez, who was still in the hospital. Gonzalez told them that he did not want to provide a statement. He did tell the investigators that

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[1] Garcia stated that Gonzalez reached behind his back with his right hand and made a "jerk" motion as if he was going to move his hand forward in their direction. Garcia believed that Gonzalez had reached for a weapon, but did not fire his weapon because he did not have a clear shot.

[2] [redacted] also stated that Gonzalez's hands were up at the time of the shooting. However, he later admitted that he looked toward his neighbor's house just prior to hearing the shots. [redacted] believed both deputies fired their weapons.

he believed that he was cooperating with the deputies when he was shot and added that they might have thought he was retrieving his wallet at the time.

At the time of this incident, Gonzalez was 31 years old, stood 5'10", and weighed approximately 210 pounds. He has [redacted] and alcoholism dating back to his teenage years, and has a [redacted]. He twice tried to [redacted], has been hospitalized for being a [redacted] and is a "cutter." From February 22, 2009 to March 24, 2010, LASD deputies were called to the location nine times for disturbances caused by Gonzalez, including assaults, verbal arguments, and threats to others.

CONCLUSION

According to the law in California, a person acted in lawful self-defense or defense of another if (1) he reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury and (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger. CALCRIM 505. If the person's beliefs were reasonable, the danger does not need to have actually existed. CALCRIM 3470. The right of self-defense is the same whether the danger is real or merely apparent. People v. Toledo (1948) 85 Cal.App.2d 577.

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight...The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation. Graham v. Conner (1989) 490 U.S. 386, 396-397.

The evidence examined in this investigation shows that Deputies Krautkramer and Garcia responded to an [redacted]. When they arrived, Deputy Krautkramer saw Gonzalez, who was bleeding from his wrist and had blood on his face. Reasonably concerned that Gonzalez possessed a weapon, Krautkramer ordered him to put his hands up. Gonzalez initially complied, but stared at the deputy in a disconcerting fashion. Gonzalez then dropped his right hand behind him, as if retrieving a weapon from his rear waistband area. These motions caused both deputies to fear that Gonzalez was retrieving a weapon. Based upon this action, as well as the short distance between the two, Deputy Krautkramer fired his service weapon three times, wounding Gonzalez.

We conclude that Deputy Troy Krautkramer was placed in reasonable fear of imminent danger of death or great bodily injury by Arnie Gabriel Gonzalez's actions and acted lawfully in self-defense when he used deadly force. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By Amy Pellman Pentz

AMY PELLMAN PENTZ
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c: Troy Krautkramer #[redacted]